

# **A G E N D A**

## **Community Advisory Commission**

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**February 2, 2005**  
Milpitas City Hall Committee Meeting Room  
455 E. Calaveras Blvd.  
7:00 p.m.

**I. Roll Call:** Joselito Abelardo, Philip Cook, Arsenio Iloreta, Chris Lee, Nestor Luna, Syed Mohsin, Marie Pham, and Craig Ranker  
Alternates: Danny Fang, Jenifer Lind, and Michael Queenan

**II. Seating of Alternates**

**III. Pledge of Allegiance**

**IV. Approval of Agenda**

**V. Approval of Minutes:** January 5, 2004

**VI. Announcements:**

**VII. Citizen's Forum**

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Members of the audience are invited to address the Commission on any subject not on tonight's agenda. Speakers are asked to supply their name and address for the record. Commissioners cannot respond to issues brought forward, but may request that the matter be placed on the agenda of a future meeting.

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**VIII. Liaison Reports**

**A. City Council Report** Councilmember Polanski

**IX. Presentation of Certificate of Appreciation to former CAC Chair, Arsenio Iloreta.**

**X. New Business**

**A. Naming of City Library.**

On October 5, 2004, the City Council directed that all City Commissions consider the Council Facilities Naming Subcommittee's recommendations to honor Dr. Martin Luther King, Jr., and Cesar Chavez by naming the library after one of them and report back to the Council. (See attached City Council minutes)

**Recommendation:** Discuss the Subcommittees recommendations and make recommendation to the City Council on the name for the Library.

## **B. Ethics Project Update**

Training, Lobbyist Registry Ordinance and Final Survey - The draft lobbyist registry ordinance, a date for the final Council ethics training session, a determination of whether to conduct another make-up session for Commissioner ethics training, and the draft of the final survey were all items agendized at the December 21, 2004 Council meeting that were postponed to the January 18, 2005 meeting. All motions to move forward on these items failed. Thus, no more training will be conducted, the lobbyist registry procedure and requirements as proposed under the ordinance reviewed and recommended by the CAC at their last meeting will not be adopted and the final survey will not be conducted. Dr. Shanks will complete his final report without any results from a final survey instrument. Under a separate Council agenda item, the Council extended the deadline for the final survey and expiration of Dr. Shanks' contract two weeks to February 15, 2005. Consequently, the CAC will not see the final report until their March meeting for recommendation to Council at the Council's March 15, 2005 meeting.

Evaluators Panel and Complaint Process - To date, the City Clerk has received eight ethics complaints. Three were rejected, four have been heard and one is scheduled to be heard on February 3, 2005. The panel determined violations occurred regarding three of the four complaints.

**Recommendation:** None needed at this time.

## **C. Non-denominational invocations at City Council meetings.**

The City Council, at its December 21, 2004, meeting considered having a non-denominational invocation at City Council meetings. The Council directed that the CAC add to its short-term work plan the potential of having a short non-denominational prayer prior to the start of City Council meetings and to solicit feedback from the community, look at policies in other cities, and report back to the Council.

The CAC at its January 5, 2005 meeting directed staff to look at the policies of other cities and report back to the Commission. Staff contacted several cities in Santa Clara County and the region. In summary, the Cities of Gilroy, Morgan Hill, San Jose and Santa Clara have invocations. The Cities of Campbell, Cupertino, Fremont, Mountain View, Palo Alto, Los Altos, Los Altos Hills, Saratoga and Sunnyvale do not have invocations.

**Gilroy.** Pastors are invited to give invocations. They must conform to the requirements of the case of Rubin V. City of Burbank that held that city council meetings may not begin with a sectarian prayer. Gilroy provided a copy of its invocations instructions, an invocation schedule and a letter sent to pastors informing them of the schedule (attached).

**Morgan Hill.** There is a silent invocation by the Mayor. Morgan Hill has no prayer or invitation to churches to provide invocations.

**San Jose.** Each council member is responsible for invocations for a month. There is no policy on the content of the invocation. For example it could be a prayer, skit or choir. There is no requirement that an invocation be non-denominational.

**Santa Clara.** There is a prayer at the beginning of every city council meeting as follows:

OH HEAVENLY FATHER ON HIGH.  
WE HUMBLY SEEK THY BLESSINGS UPON THIS MEETING.  
GRANT US STRENGTH, COURAGE AND WILL TO PERFORM OUR OBLIGATIONS AND DUTIES TO  
OUR PEOPLE WITH JUSTICE TO ALL.  
GRANT US WISDOM SO THAT WE MAY ACT WISELY AND  
FOR THE BEST INTERESTS OF OUR PEOPLE, OUR NEIGHBORS AND OUR COUNTRY.  
ALL THIS WE ASK IN THY NAME, WHO REIGNS,  
THE WORLD WITHOUT END  
AMEN

**Soliciting feedback from the community.** The CAC must still solicit feedback from the community per the directions of the City Council.

**Memorandum from City Attorney.** The City Attorney has prepared a memorandum (Attached) to the CAC to advise you of the legality of invocations as part of public meetings such as the City Council meeting. The Supreme Court in its Marsh v. Chambers decision held that a short non-denominational invocation did not violate the Constitution. The prayer must not be a “proselytizing activity” or “symbolically place the government’s official seal of approval on one religious view”. Therefore, a short, non-denominational invocation may be given prior the start of the City Council meeting so long as it satisfies the constitutional requirement that it not be used to advance one faith or belief over another. Persons invited to give an invocation should be clearly informed that the invocation should be short, non-denominational, and should not be used to proselytize or to advance or disparage any particular religious viewpoint.

**Recommendation:** Discuss this issue; determine how the CAC will solicit feedback from the community.

#### **D. Subcommittee/Task Force Status Reports**

- Neighborhood Preservation (Lee, Mohsin, Queenan, and Luna)
- 50<sup>th</sup> Year Anniversary (Mohsin, Mandal and Lind)
- Ethics (Abelardo, Lind, and Ranker)
- Tree Decorating Celebration (Pham, Cook, and Abelardo)

**Recommendation:** Discussion only, no action needed.

### **XI. Adjournment to March 2, 2005**

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